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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,853	02/13/2004	Matthew W. Excell	7677	6131
31253	7590	10/03/2007		
M. REID RUSSELL 854 WEST 3390 SOUTH HURRICANE, UT 84737			EXAMINER HASHEM, LISA	
			ART UNIT	PAPER NUMBER
			2614	
			MAIL DATE	DELIVERY MODE
			10/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/777,853

Applicant(s)

EXCELL, MATTHEW W.

Examiner

Lisa Hashem

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,587,479 by Bianchi et al, hereinafter Bianchi.

Regarding claim 1, Bianchi discloses a communications convergency system comprising, a demarc system (Figures. 3 and 5) for location in a structure that is a residence or commercial establishment (Fig. 1, 12-3; col. 3, line 66 – col. 4, line 19);

a housing arranged for mounting to said structure and wherein said demarc system components are maintain (Fig. 4); and said demarc system includes:

an internal wireless receiver access point (i.e. CAP; Fig. 4, 14-2) that acts as an access point to the system and is for connection to a source of bandwidth (col. 2, lines 42-50; col. 4, lines 47-65; col. 6, lines 22-52; Fig. 5: 54, 52);

an external wireless receiver (i.e. HAP; Fig. 4, 16-2) that is external to said structure and acts as an access point that receives conductivity from an ISP modem (Fig. 3, 45-1; Fig. 4, 36-2) within the structure and supplies connectivity from the demarc system of other clients within said structure (col. 4, lines 39-46; col. 5, lines 45-56; col. 6, lines 22-61; Fig. 5, 56);

Art Unit: 2614

a switch (i.e. LAN Hub; Fig. 4, 18) that is used to route data packets within the demarc system and is connected to the demarc system components within the housing (col. 4, lines 39-46; col. 5, lines 52-56);

an analog telephone adapter for converting an analog voice stream into binary packet data for each phone line within said structure (col. 6, lines 22-44); and

a source of power (i.e. prime power) connected to supply power (Fig. 4: 42-2, 48-1) to said demarc system components (col. 4, lines 47-51).

Regarding claim 2, the communications convergence system as recited in Claim 1, Bianchi discloses further including an ISP router (Fig. 1, 22; Fig. 5, 58) that is external to the structure containing the demarc system and connects the demarc system to a processing engine for connection into the internet (col. 4, lines 39-46; col. 6, lines 45-61).

Regarding claim 3, the communications convergence system as recited in Claim 2, wherein Bianchi discloses the ISP router provides a connection in an internet network (col. 4, lines 39-46; col. 6, lines 45-61; Fig. 1, 28).

Regarding claim 4, the communications convergence system as recited in Claim 1, wherein Bianchi discloses further including a wireless end point (Fig. 4, 34-2) for receiving radio transmissions as from a cell phone or wireless access point that is for connection into the demarc system switch, with that radio transmission passed for processing into binary packet data and transmitted to a phone line (col. 6, lines 22-44).

Art Unit: 2614

Regarding claim 5, the communications convergence system as recited in Claim 1, wherein Bianchi discloses the demarc can be located within or outside of the structure and individual components thereof can be fitted into multiple enclosures to simplify installation (col. 3, line 66 – col. 4, line 65; col. 6, lines 44-61).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

4. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Art Unit: 2614

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lh
September 19, 2007


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600